



Senate

General Assembly

File No. 612

February Session, 2018

Substitute Senate Bill No. 480

Senate, April 19, 2018

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING EXPEDITED APPROVAL OF AFFIRMATIVE ACTION PLANS SUBMITTED BY CONTRACTORS TO THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-68c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 In addition to the provisions of section 4a-60, each contractor with
4 fifty or more employees awarded a public works contract, municipal
5 public works contract or contract for a quasi-public agency project in
6 excess of fifty thousand dollars in any fiscal year, but not subject to the
7 provisions of section 46a-68d, as amended by this act, shall develop
8 and file with the Commission on Human Rights and Opportunities an
9 affirmative action plan which shall comply with regulations adopted
10 by the commission. The executive director or the executive director's
11 designee shall review and formally approve, conditionally approve or
12 disapprove the content of the affirmative action plan not later than one

13 hundred twenty days following the date of the submission of the plan
14 to the commission. If the executive director or the executive director's
15 designee fails to approve, conditionally approve or disapprove a plan
16 within such one-hundred-twenty-day period, the plan shall be deemed
17 to be either approved or deficient without consequence. The executive
18 director or the executive director's designees shall, not later than
19 fifteen days after the date of deeming an affirmative action plan
20 approved or deficient without consequence, provide the contractor
21 with written notification of the action taken with respect to such plan.
22 Failure to develop an approved affirmative action plan pursuant to
23 this section shall act as a bar to bidding on or the award of future
24 contracts until such requirement has been met. When the [commission]
25 executive director or the executive director's designee approves an
26 affirmative action plan pursuant to this section, [it] the executive
27 director or the executive director's designee shall issue a certificate of
28 compliance to the contractor. [This] Such certificate shall be prima facie
29 proof of the contractor's eligibility to bid or be awarded contracts for a
30 period of two years from the date of the certificate. Such certificate
31 shall not excuse the contractor from monitoring by the commission or
32 from the reporting and record-keeping requirements of sections 46a-
33 68e and 46a-68f. The [commission] executive director or the executive
34 director's designee may revoke the certificate of a contractor if the
35 contractor does not implement its affirmative action plan in
36 compliance with this section and sections 4a-60, 4a-60g, 4a-62, 46a-56,
37 46a-68b, 46a-68d, as amended by this act, and 46a-68e to 46a-68k,
38 inclusive.

39 Sec. 2. Section 46a-68d of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2018*):

41 In addition to the provisions of section 4a-60, every public works
42 contract, municipal public works contract or contract for a quasi-public
43 agency project subject to the provisions of part II of chapter 60 shall
44 also be subject to the provisions of this section. After a bid has been
45 accepted but before a contract is awarded, the successful bidder shall
46 file with and have obtained the approval of the [commission] executive

47 director or the executive director's designee for an affirmative action
 48 plan. The [commission] executive director or the executive director's
 49 designee may provide for conditional acceptance of an affirmative
 50 action plan provided written assurances are given by the contractor
 51 that it will amend its plan to conform to affirmative action
 52 requirements. In the case of a public works contract, the state shall
 53 withhold two per cent of the total contract price per month from any
 54 payment made to such contractor until such time as the contractor has
 55 developed an affirmative action plan, and received the approval of the
 56 [commission] executive director or the executive director's designee. In
 57 the case of a municipal public works contract or contract for a quasi-
 58 public agency project, the municipality or entity, as applicable, shall
 59 withhold two per cent of the total contract price per month from any
 60 payment made to such contractor until such time as the contractor has
 61 developed an affirmative action plan and received the approval of the
 62 [commission] executive director or the executive director's designee.
 63 Notwithstanding the provisions of this section, a contractor subject to
 64 the provisions of this section may file a plan in advance of or at the
 65 same time as its bid. The [commission] executive director or the
 66 executive director's designee shall review plans submitted pursuant to
 67 this section within sixty days of receipt and either approve, approve
 68 with conditions or reject such plan. When the [commission] executive
 69 director or the executive director's designee approves an affirmative
 70 action plan pursuant to this section, [it] the executive director or the
 71 executive director's designee shall issue a certificate of compliance to
 72 the contractor as provided in section 46a-68c, as amended by this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2018	46a-68c
Sec. 2	October 1, 2018	46a-68d

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill alters the affirmative action contract approval process as administered by the Commission on Human Rights and Opportunities (CHRO). This has no fiscal impact, as it codifies current practice.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 480*****AN ACT CONCERNING EXPEDITED APPROVAL OF AFFIRMATIVE ACTION PLANS SUBMITTED BY CONTRACTORS TO THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.*****SUMMARY**

By law, the successful bidder for certain large state, municipal, or quasi-public agency contracts must file with and obtain the Commission on Human Rights and Opportunities' (CHRO) approval for an affirmative action plan before the contract is awarded. If a contractor is not subject to this requirement, it still must file an affirmative action plan with CHRO if it (1) has 50 or more employees and (2) is awarded such a contract for more than \$50,000 (i.e., other contractors).

This bill deems approved, or deficient without consequence, affirmative action plans submitted by the other contractors that the CHRO executive director or his or her designee fails to approve, conditionally approve, or disapprove within 120 days after their submission. The bill requires the executive director or his or her designee, within 15 days after the plan is deemed approved or deficient without consequence, to provide the contractor with written notice of the action taken.

It also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2018

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 0 (04/02/2018)